



ADMINISTRATIVE OFFICE  
OF THE COURTS

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CENTER FOR FAMILIES, CHILDREN  
& THE COURTS

proudly present the

# Family Law Conference 2009

*A Training for Advocates of Low-Income Clients*

February 25-26, 2009

Milton Marks Conference Center  
Administrative Offices of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

# Agenda At-A-Glance

This schedule is subject to change. Please see program descriptions for more details about individual sessions. A final schedule will be available in the onsite printed program materials.

## **WEDNESDAY, FEBRUARY 25th**

### **9:00a.m. - 9:30a.m.**

- Conference Registration Opens
- Coffee and Pastries

### **9:30a.m. - 11:30a.m. -- Sessions #1**

- Family Law Issues Affecting LGBT Couples and Their Children
- Foreclosure Issues in Family Law Cases
- Indian Child Welfare Act in Family Law Cases
- Family Law 101: Introduction to Family Law

### **11:30a.m. - 1:00p.m.**

- Family Law Awards Presentation, Followed By Catered Lunch

### **1:00p.m. - 3:00p.m. -- Sessions #2**

- Overview of Family-Based Immigration
- Unlocking the Mystery: The Relationship Between Child Protective Services, Juvenile Court, and Family Law Practice
- Legal Representation of Diverse Populations
- How the Department of Child Support Services Can Help You

### **3:15p.m. - 5:15p.m. -- Sessions #3**

- Key Immigration Issues for Family Law Practitioners
- Alphabet Soup: Public Benefits and Custody Choices for Children Living Apart From Their Parents
- Grandparent Guardianship Assistance for Self Represented Litigants
- Securing Your Client's Interest in a Retirement Plan

## **THURSDAY, FEBRUARY 26th**

### **9:00a.m. - 9:30a.m.**

- Conference Registration
- Coffee and Pastries

### **9:30a.m. - 12:00p.m. -- Sessions #4**

- Introduction to CalWORKs Eligibility: Helping Domestic Violence Survivors Access Benefits
- Elkins Family Law Task Force
- Who's Your Daddy: Paternity Presumptions
- Ethics for Legal Services Staff

### **12:00p.m. - 1:15p.m.**

- Catered Lunch and Affinity Group Gatherings

### **1:15p.m. - 3:45p.m. -- Sessions #5**

- How CalWORKs Welfare-to-Work Requirements Apply to Domestic Violence Survivors
- Move-Away Custodial Cases
- Ethics Issues for Self-Help Staff
- UCCJEA

### **3:45p.m. -- Conference Ends**

### **• Times TBA**

Hands-on computer class on the DCSS Child Support Calculation Program. Recurring throughout the two days.

# PROGRAM DESCRIPTIONS

## DAY ONE, WEDNESDAY, FEBRUARY 25TH

**9:30a.m. - 11:30a.m.**

### **Family Law Issues Affecting LGBT Couples and Their Children**

(2 hours MCLE)

*Presenters: Catherine Sakimura, National Center for Lesbian Rights; Deborah Wald, Wald Law Group; Amy Williams, Legal Services of Northern California*

The rights of same-sex couples and their children have changed considerably in the last few years. Registered domestic partners now have nearly all the rights and responsibilities of marriage under California law, many same-sex couples married before the passage of Proposition 8, and many paternity presumptions now apply to same-sex partners. These families face unique legal issues because many of these laws are new and untested and because federal law does not recognize California domestic partnerships or marriages between same-sex couples. This workshop will address parentage and custody issues for LGBT parents, dissolutions, and LGBT families' eligibility for public benefits. The presenters will provide written materials on California LGBT family law and public benefits, as well as tips for working with low-income LGBT clients.

### **Foreclosure Issues in Family Law Cases**

(2 hours MCLE)

*Presenters: Maeve Elise Brown, Housing and Economic Rights Advocates; Bill Flanagan, Legal Aid Foundation of Los Angeles; Ana Storey, Legal Aid Foundation of Los Angeles*

This session will introduce family law attorneys to the world of foreclosures. Through the use of real-life fact patterns, participants will learn about the foreclosure process, to spot issues, and to help their clients develop loss mitigation options.

### **Indian Child Welfare Act in Family Law Cases**

(2 hours MCLE)

*Presenters: Vida Castenada, Center for Families, Children, and the Courts; Ann Gilmour, Center for Families, Children, and the Courts*

The Native American community is often among the poorest and most underserved of the legal services community, yet their issues can often be among the most complex. Currently there is a general lack of awareness of how the Indian Child Welfare Act may arise in family law cases. Failure to understand and fully comply with the requirements of the Indian Child Welfare Act in cases to which it applies can lead to severe negative consequences for Indian children and families. Therefore, it is important for legal service providers to recognize where the Act may apply and understand its requirements. This presentation will provide an understanding of the purpose and background of the Indian Child Welfare Act, explain how ICWA may arise in various family code proceedings, and explain the legal requirements of the federal and state law and how to comply with these requirements.

It will also include information on increasing cultural awareness in working with Native Americans to obtain necessary information to comply with ICWA.

### **\*NEW\* Family Law 101: Introduction to Family Law**

(2 hours MCLE)

*Presenter: Kathryn Kirkland, State Bar of California*

Family Law 101, presented by a distinguished expert family law attorney, provides a basic introduction to the practice of family law, with emphasis on serving limited-income clients. The session will cover family law terminology, applicable statutes, an overview of family law proceedings, with an emphasis on the practical means of achieving the client's goals, and basic substantive law regarding dissolution of marriage, division of property, spousal and child support, and child custody. *Note: This session is geared towards volunteer attorneys interested in pro bono work.*

# PROGRAM DESCRIPTIONS

## DAY ONE, WEDNESDAY, FEBRUARY 25TH

**11:30a.m. - 1:00p.m.**

### **LAAC Family Law Awards Ceremony**

Each year LAAC recognizes the work and service of legal services, pro bono, and court-based advocates in the field of family law with its LAAC Family Law Awards. Please join us for the awards presentation to honor outstanding members of our community! The 2009 LAAC Family Law Award Recipients are:

**Direct Representation:** Minouche D. Kandel, nominated by Bay Area Legal Aid.

**Pro Bono Work:** Jennifer Ani, nominated by Volunteer Legal Services Program (VLSP) of the San Francisco Bar Association.

**Family Law Facilitator or Self-Help Center Service Provider:** Guillermo Fernandez Villalobos, nominated by the Superior Court of California, County of Imperial, Access Center.

**1:00p.m. - 3:00p.m.**

### **Overview of Family-Based Immigration**

(2 hours MCLE)

*Presenters: Dan Torres, Immigrant Legal Resource Center; Amagda Perez, California Rural Legal Assistance Foundation*

This program will provide an introduction to the family-based immigration system. The discussion topic will cover the differences between visa petitions filed by U.S. citizen and lawful permanent resident family members. The program will cover the procedural differences and the common bars to obtaining lawful permanent residence through the family-based visa system. In addition, the program will discuss forms of relief for mixed-status families, i.e., families that include U.S. citizens, permanent residents, and undocumented family members, and helping families avoid immigration scams.

### **How the Department of Child Support Services Can Help You**

(2 Hours MCLE)

*Presenters: JD Trow, Dept. of Child Support Services; Melinda Self, Dept. of Child Support Services; Paul Spraggins, Dept. of Child Support Services*

A panel of Agency attorneys will provide an introduction to and overview of the Agency's State and Federal mandates, a catalogue of our available services, and a review of our database interfaces with other government agencies. We will describe the advantages of our new state-wide system, our automated accounting through the new State Distribution unit, and the free online Guideline Calculator.

### **Unlocking the Mystery: The Relationship Between Child Protective Services, Juvenile Court, and Family Law Practice**

(2 hours MCLE)

*Presenters: David Meyers, Administrative Office of the Courts; Randall Harris, L.A. County Counsel; Lisa Ruttan; Sacramento County Child Protective Services*

This workshop will provide an insiders look into the decision-making process of a social services agency. Taught by professionals working within the child welfare system, this workshop will explore how referrals are processed, who makes the decisions to act, which assessment tools they use, and why certain children and families are determined to be at a higher risk of abuse or neglect than others.

### **Legal Representation of Diverse Populations**

(2 hours MCLE)

*Presenters: Protima Pandey, Inland Counties Legal Services; Arlene Cordoba, Inland Counties Legal Services*

This workshop will cover strategies to develop effective outreach, staff competencies and client communications; understanding when to use cultural practices as a part of your court case while representing diverse clients with different cultural practices; and special issues of culture, law and legal systems while representing immigrants, limited English proficient and other un-served and underserved clients.

## PROGRAM DESCRIPTIONS

DAY ONE, WEDNESDAY, FEBRUARY 25TH

3:15p.m. - 5:15p.m.

### **Key Immigration Issues for Family Law Practitioners**

(2 hours MCLE)

*Presenters: Shawn Roberts, Bay Area Legal Aid; Sally Kinoshita, Immigrant Legal Resource Center; Tulin Acikalin, Bay Area Legal Aid*

This session will cover issues related to serving immigrants under LSC rules; potential sources of immigration relief for victims of domestic violence, sexual assault, trafficking, and other serious crimes (VAWA Self-Petitions, Battered Spouse Waivers, U and T Visas, Gender-Based Asylum, etc.); identifying red-flag warning signs when working with immigrants; and considering immigration law implications in developing family law case strategies.

### **Alphabet Soup: Public Benefits and Custody Choices for Children Living Apart From Their Parents**

(2 hours MCLE)

*Presenters: Brian Blalock, Bay Area Legal Aid; Alice Bussiere, Youth Law Center; Angie Schwartz, Public Interest Law Project; Kathy Siegel, Alameda County Public Defender*

Custody choices have a significant impact on eligibility for public benefit programs, such as AFDC-FC (foster care benefits), AAP (adoption assistance), CalWORKS, Kin-GAP (Kinship Guardianship Assistance Program), SSI (Supplemental Security Income) and FICA/Chafee (transitional services for emancipating foster youth.) Using hypothetical cases and participant discussion, this session will explore how dependency, juvenile court guardianship, probate court guardianship, and adoption interact with eligibility criteria for these programs.

### **Securing Your Client's Interest in a Retirement Plan**

(2 hours MCLE)

*Presenters: Ann Fallon, Whiting, Fallon & Ross*

This session will provide tips and models for starting the QDRO process to protect your client's interests from day one. We will discuss how to learn the identity and location of the Plan and how to bring your client's claim to the Plan's attention. We will also discuss Provisional QDRO Language in the new Judgment form regarding joinder, retirement and survivor benefits interests and giving notice to the Plans.

### **Grandparent Guardianship Assistance for Self-Represented Litigants**

(2 hours MCLE)

*Presenters: Jean Moran, Glenn County Superior Court; Tammy Grimm, Glenn County Superior Court*

Courts are experiencing an increase in the number of grandparents seeking guardianship over their minor grandchildren. This workshop will address challenges that grandparents face, propose solutions to assisting elderly clients through the legal guardianship process, and examine how technology can positively assist guardians in accessing the courts. SHARP's Guardianship video and use of teleconferencing will be explored, showing how emerging technologies can be a model for other self-help and legal providers in assisting this target group.

**Times TBA**

### **DCSS Child Support Calculation Program**

No MCLE

*Presenters: TBA.*

The State Department of Child Support Services has created a free internet program to calculate child support. This program must be used in all Title IV-D cases and may be used in all other child support cases. This will be a hands-on computer training on how to use the program.



# PROGRAM DESCRIPTIONS

## DAY TWO, THURSDAY, FEBRUARY 26TH

**9:30a.m. - 12:00p.m.**

### **Introduction to CalWORKs Eligibility: Helping Domestic Violence Survivors Access Benefits**

(2.5 hours MCLE)

*Presenters: Kate Meiss, Neighborhood Legal Services; Jodie Berger, Legal Services of Northern California; Julie Rivera-Coo, Neighborhood Legal Services*

Family law practitioners often have clients who receive or are eligible for CalWORKs benefits. However, most practitioners do not understand the CalWORKs programs or the significant benefits and flexibility it can offer clients. This presentation will discuss the flexibility afforded by the Domestic Violence Waiver in eligibility for the CalWORKs program. It will also review rules and procedures to protect the client from increased or future violence. You will receive practical tips and resources to ensure your clients are protected and get the flexibility they need to remain safe. This session focuses on the eligibility (rather than the Welfare-to-Work) side of CalWORKs and is a complement to the subsequent session "CalWORKs Welfare-to-Work and Domestic Violence Survivors", which focuses on the welfare-to-work requirements of the program.

### **Ethics Issues for Legal Services Providers**

(2.5 hours MCLE - Legal Ethics)

*Presenter: John Steele, Fish & Richardson P.C.*

The presentation will explore the application of legal ethics to family law practice. Topics will include conflicts of interest, dealing with clients of diminished capacity, confidentiality, and the duty of communication.

### **Elkins Family Law Task Force**

(2.5 hours MCLE)

*Presenters: Ana Maria Garcia, Neighborhood Legal Services; Tulin Acikalin, Bay Area Legal Aid; Julie Dodge, Stanislaus County Superior Court; Suzanne Clark-Morlock, Tuolumne County Superior Court*

This interactive session will allow conference participants to share their ideas with members of the Elkins Family Law Task Force, which is charged with conducting a comprehensive review of family law proceedings and recommending to the Judicial Council of California proposals that will increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures.

### **Who's Your Daddy?: Paternity Presumptions**

(2.5 hours MCLE)

*Presenters: Scott Harman, Sacramento Superior Court; Diane Bras, Placer County Superior Court; Diego Cartenega, Alliance for Children's Rights; Suma Mathai, Los Angeles Center for Law and Justice*

This program will provide an overview of the law of paternity in California, including statutory and procedural vehicles for establishing paternity and grounds for setting aside findings and judgments of paternity. Real life examples will be included and discussed.

# PROGRAM DESCRIPTIONS

DAY TWO, THURSDAY, FEBRUARY 26TH

1:15p.m. - 3:45p.m.

## **How CalWORKs Welfare-to-Work Requirements Apply to Domestic Violence Survivors**

(2.5 hours MCLE)

*Presenters: Kate Meiss, Neighborhood Legal Services; Dora Luna, Western Center on Law & Poverty; Julie Rivera-Coo, Neighborhood Legal Services; Eve Hershcopf, Child Care Law Center*

Individuals who receive CalWORKs benefits are subject to the program's welfare-to-work (WtW) requirements. Family law practitioners often have clients who are participating in welfare-to-work programs. This presentation will provide an overview of the CalWORKs WtW system and its rules, as well as explore the role of the family law practitioner in advocating for clients within the WtW system. It will discuss how to obtain "domestic violence waivers" of WtW rules, the range of activities in which clients may participate, including education and DV counseling, and eligibility and payments for child care, as well as transportation and mileage. You will receive practical tips and resources to ensure your clients are getting the funds to which they are entitled and a WtW program that will help them move towards self-sufficiency. This session focuses on the Welfare-to-Work side of CalWORKs and is a complement to the earlier session "Introduction to CalWORKs Eligibility."

## **Ethical Communication with Self-Represented Litigants**

(2.5 hours MCLE - Legal Ethics)

*Presenter: Lollie Roberts, Sacramento Superior Court*

This interactive session will explore strategies for communicating with self-represented litigants in a court-based self-help program without running afoul of the ethical guidelines. Topic areas will include legal advice versus legal information and how to avoid ex parte communications. Audience participation is both encouraged and expected.

## **Move-Away Custodial Cases**

(2.5 hours MCLE)

*Presenters: Michelene Insalaco, Sucherman \* Insalaco LLP; Chris Emley, Certified Family Law Specialist; Lorie Nachlis, Nachlis & Fink; Tanya Prioste, Lakin Spears*

This panel of four experienced family law attorneys will discuss representing limited-income clients in move-away cases from both the perspective of custodial and non-custodial parents. Topics to be discussed include but are not limited to: an overview of applicable judicial standards in move-away cases; tips on preparing an effective Order to Show Cause and preparing an effective response; challenges of international move-away cases; the role of custody evaluations in move-away cases; and barriers created by limited financial resources.

## **UCCJEA Review**

(2.5 hours MCLE)

*Presenter: Bill Hilton, State of California Board of Legal Specialization*

This will be a basic review of the Uniform Child Custody Jurisdiction and Enforcement Act, with a focus on domestic violence cases.

### **MCLE Information:**

Attendees can earn up to 11 hours of MCLE credit, including 2.5 hours of legal ethics.

MCLE credit for Family Law Conference is provided by the Legal Aid Association of California, a State Bar of California approved provider. For more information about LAAC trainings or to download another copy of this brochure, please visit [www.CALegalAdvocates.org](http://www.CALegalAdvocates.org).



## REGISTRATION FORM

Please complete both this Registration Form and the Course Selector Form and return with payment to the Legal Aid Association of California by February 13, 2009. To download more forms, visit [www.CALegalAdvocates.org](http://www.CALegalAdvocates.org)

### Registration Information

REGISTRATION DEADLINE: FEBRUARY 13, 2009  
CANCELLATION DEADLINE: FEBRUARY 16, 2009

Name

Organization/Affiliation

Title

Address

City, State, and ZIP

Telephone

Email

State Bar Number

☐ Yes, I request a vegetarian lunch.

#### Disability Accommodations:

☐ To request accommodations related to a disability, please check here and also call Vivian Chen at 415-834-0100 x312

#### Cancellation Policy:

Registration cancellations must be received in writing at the LAAC office no later than **February 16, 2009**. Caterers require advance payment for meal costs by LAAC. Therefore, registration fees are nonrefundable if the cancellations is received after **February 16, 2009**. Attendees who register but do not pay nor attend will be invoiced for the full registration fee.

**Resource Table:** There will be a resource table at the training; Please feel free to bring materials to share.

### Registration Fees and Payment

**PLEASE CHECK ONE OF THE FEES BELOW**

#### Not sure if you qualify for the LAAC Discount?

To view the 2008 list of LAAC Member Organizations and Individual LAAC Members, go to:  
[www.CALegalAdvocates.org](http://www.CALegalAdvocates.org)

#### Registration Fees (received by 2/13/09):

- ☐ \$175 Private Bar
- ☐ \$125 Non-LAAC Member
- ☐ \$75 LAAC Discount (for staff at a LAAC member program or individual LAAC members only)
- ☐ \$75 Court Staff
- ☐ \$50 Pro Bono Attorneys attending only Family Law 101 and Lunch
- ☐ \$30 Law Students

#### Late Registration Fees (received after 2/13/09 and only if space is available):

- ☐ \$195 Private Bar
- ☐ \$145 Non-LAAC Member
- ☐ \$95 LAAC Discount (for staff at a LAAC member program or individual LAAC members only)
- ☐ \$95 Court Staff
- ☐ \$70 Pro Bono Attorneys attending only Family Law 101 and Lunch
- ☐ \$50 Law Students

#### **Total Enclosed:** \_\_\_\_\_

(Payable to the Legal Aid Association of California)

Send completed Forms and Payments to:

LAAC (ATTN: Vivian Chen)  
C/O Public Interest Clearinghouse  
47 Kearny Street, Suite 705  
San Francisco, CA 94108  
FAX: 415-834-0202

**Questions?** Email Vivian Chen at [vchen@pic.org](mailto:vchen@pic.org) or call 415-834-0100 x312



# COURSE SELECTOR FORM

To register, please complete both this Course Selector Form and the Registration Form and return with payment to the Legal Aid Association of California by **February 13, 2009**. To download more forms, visit [www.CALegalAdvocates.org](http://www.CALegalAdvocates.org)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Email

## Course Selections:

Please help us plan by checking the boxes for the programs you wish to attend.  
Only one program per timeslot.

### DAY ONE: WEDNESDAY, FEBRUARY 25th

#### 9:30a.m. - 11:30a.m. -- Sessions #1

- ☐ Family Law Issues Affecting LGBT Couples and Their Children
- ☐ Foreclosure Issues in Family Law Cases
- ☐ Indian Child Welfare Act in Family Law Cases
- ☐ Family Law 101

#### 1:00p.m. - 3:00p.m. -- Sessions #2

- ☐ Overview of Family-Based Immigration
- ☐ Unlocking the Mystery: The Relationship Between Child Protective Services, Juvenile Court, and Family Law Practice
- ☐ Legal Representation of Diverse Populations
- ☐ How the Department of Child Support Services Can Help You

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- ☐ Grandparent Guardianship Assistance for Self-Represented Litigants
- ☐ Securing Your Client's Interest in a Retirement Plan

### DAY TWO: THURSDAY, FEBRUARY 26th

#### 9:30a.m. - 12:00p.m. -- Sessions #4

- ☐ Introduction to CalWORKs Eligibility: Helping Domestic Violence Survivors Access Benefits
- ☐ Elkins Family Law Task Force
- ☐ Who's Your Daddy?: Paternity Presumptions Issues
- ☐ Ethics for Legal Services Staff

#### 1:15p.m. - 3:45p.m. -- Sessions #5

- ☐ How CalWORKs Welfare-to-Work Requirements Apply to Domestic Violence Survivors
- ☐ Move-Away Custodial Cases
- ☐ Ethics Issues for Self-Help Staff
- ☐ UCCJEA

#### Times TBA

- ☐ Please check here if you are interested in attending the hands-on computer training on the DCSS Child Support Calculation Program. *Dates and Times TBA.*

*LAAC and the AOC thank the dedicated members of the  
2009 Family Law Conference Planning Committee:*

Cherri Allison  
*Family Violence Law Center*

Julie Rivera-Coo  
*Neighborhood Legal Services*

Nicholas Baran  
*Volunteer Legal Services Program  
Bar Association of San Francisco*

Lollie Roberts  
*Sacramento Superior Courts*

Ana Maria Garcia  
*Neighborhood Legal Services*

Betty Song  
*Asian Pacific American Legal  
Center*

Cynthia Holton  
*Public Law Center*

Ana Storey  
*Legal Aid Foundation of  
Los Angeles*

Bonnie Hough  
*Administrative Office of the Courts*

Lauren Zorfas  
*San Mateo Superior Court*

Jerel McCrary  
*Bay Area Legal Aid*

**HOTEL INFORMATION:**

While attendees are responsible for making their own arrangements, LAAC has negotiated discounted prices with the following hotels. **Make sure you reference the "Legal Aid Association of California" to receive the discounted rate!** Rooms are very limited, so make your reservations soon!

**The Hotel Majestic**

1500 Sutter Street, San Francisco, CA 94109  
Reservations: (415) 441-1100/(800) 869-8966  
<http://www.thehotelmajestic.com/>  
\$125 double occupancy (Use Group Code 1022)

**Hayes Valley Inn**

417 Gough St. @ Hayes St., San Francisco  
(415) 431-9131  
[www.hayesvalleyinn.com](http://www.hayesvalleyinn.com)  
\$59 double/\$65 queen single occupancy.  
NOTE: This hotel has European-style shared baths.

**Inn at Oyster Point**

425 Marina Blvd., South San Francisco  
(800) 642-2720/ (650) 737-7633  
[www.innatoysterpoint.com/](http://www.innatoysterpoint.com/)  
\$159 queen bed with fireplace and complimentary  
continental breakfast  
(This hotel has a free shuttle to the airport and BART.  
The airport BART station is an approximately 30  
minute BART ride from the conference location.)